



BEFORE THE MONTGOMERY COUNTY ETHICS COMMISSION

**Advisory Opinion
No. 10-06-008AO**

A public employee must not intentionally use the prestige of office for private gain or the gain of another. Can a police officer running for elected office put a photograph of himself in his police uniform on his campaign website? The Commission concludes that the police officer can put the picture on his website, so long as he is careful not to suggest that the County is endorsing his candidacy.

This Commission has previously concluded that the prestige of office provision does not preclude a public employee from listing his accomplishments as a public employee in campaign literature while seeking elected office. *Advisory Opinion No. 06-04-004* (Sept. 1, 2006). Likening the pursuit of elected office to a job interview, the Commission concluded that because an employee would not violate the prestige of office provision by listing his accomplishments in a resume submitted to a potential private employer, so too could an employee list his accomplishments while seeking public office.

This case presents a logical extension of that opinion. If an employee can list his accomplishments as a public employee in campaign literature, there is no logical reason he could not appear in uniform on his campaign website. The photograph is, in effect, a pictorial representation of his status as a public employee. However, the officer must be careful not to suggest that the County has endorsed his candidacy for public office.

Finally, this opinion cannot address other constraints upon a police officer's ability to wear a uniform while engaged in political activity.(e.g., § 3.8(g) of the Montgomery County Personnel Regulations; Article 30(C)(1) of the FOP collective bargaining agreement; Departmental Rule 15(a)). The Commission's jurisdiction is limited to interpreting the County Ethics Law.

In reaching this decision, the Commission has relied upon the facts as presented by the requester.

FOR THE COMMISSION:

June 21, 2010

Date

Stuart Rick, Chair